

A SUBSTITUTE ORDINANCE

BY COMMUNITY DEVELOPMENT/HUMAN RESOURCES COMMITTEE

AN ORDINANCE TO AUTHORIZE THE DIRECTOR OF THE BUREAU OF PURCHASING TO PURCHASE FROM THE NATURE CONSERVANCY OF GEORGIA APPROXIMATELY 31 ACRES IN THE CITY OF ATLANTA IN THE AREA MORE GENERALLY KNOWN AS THE WILDWOOD URBAN FOREST; FOR THE PURPOSES SET FORTH IN THE CITY OF ATLANTA COMMUNITY GREENSPACE PROGRAM APPLICATION, THE SUPPLEMENTAL ENVIRONMENTAL PROJECT PURSUANT TO THE CONSENT DECREE; AND OTHER PROGRAMS FOR THE PURPOSE OF CONSERVING GREENSPACE; AND FOR OTHER PURPOSES.

WHEREAS, Resolution 01-R-0092, adopted by the City Council and approved by the Mayor on February 13, 2001, expresses the intent of the City of Atlanta to support the purchase of approximately 26 acres of property in the Wildwood Urban Forest area from The Nature Conservancy as Phase One of the creation of a city-owned nature preserve; and

WHEREAS, Resolution 01-R-0092, also expresses the future intent of the city to acquire the total track of land as identified in the CDP for use as Greenspace in accordance with the CDP; and

WHEREAS, The Nature Conservancy has offered to sell approximately 31 acres to the City for such purposes which is to include the aforementioned 26 acres, and an approximately 4.29 acre tract, to be purchased to further the goals of the Supplemental Environmental Project which the City has entered into pursuant to the Consent Decree with the United States EPA and other parties; and

WHEREAS, the total price of acquisition is estimated to be less than \$1,692,844.90; and

WHEREAS, the community contributed \$250,000 to lower the total land purchase price; and

WHEREAS, The Nature Conservancy agreed to donate certain services to the City to further reduce the cost to the City; and

WHEREAS, there are various funding sources available to the City of Atlanta for greenspace acquisition and conservation that include but are not limited to Park Impact Fees, Georgia Greenspace monies, Greenway Acquisition Project funds under the SEP to

the 1998 Consent Decree, and Quality of Life General Obligation Bonds passed by voters on November 7, 2000 which may require that the City subdivide the property at closing in order to record the various easements and conditions which may be imposed as a condition for the use of certain funding sources.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

SECTION 1: The Purchasing Agent is hereby authorized to enter into a contractual agreement with The Nature Conservancy for the purchase of approximately 31 acres of property in the Wildwood Urban Forest as shown and described in the attached Exhibit A, which includes "Proposed Expenditures," four legal descriptions, and a map of the subject property.

SECTION 2: The cost of said purchase to the City shall not exceed \$1,692,844.90, part of which will be paid from the following two Fund Account Center combinations, in an amount not to exceed \$356,719.90, based upon the following partition of appropriations:

<u>Fund</u>	<u>Account</u>	<u>Center</u>	<u>Title</u>	<u>Amount</u>
1B02	77*****	Y63U0211KTA0	State of Georgia Dept. of Natural Resources Georgia Greenspace Program (Fulton County)	<u>\$ 300,000</u>
3P02	771001	T31I02549999	Consent Decree for Greenway Acquisition	<u>\$ 56,719.90</u>

SECTION 3: That the General Government Capital Outlay Fund, Department of Parks, Recreation, and Cultural Affairs, is hereby amended as follows:

Transfer From Appropriations

1C28 792001 T31X04109991	Reserve for Appropriations Park Recoupment Fees	<u>\$1,336,125</u>
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Transfer To Appropriations

1C28 77***** N12P06129989	Acquisition of Land City of Atlanta Greenspace Program	<u>\$1,336,125</u>
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SECTION 4: All expenses related to those designated for land acquisition allowable under Development Impact Fee Recoupments shall be charged to and paid from 1C28 77***** N12P06129989 in an amount not to exceed \$1,336,125.

SECTION 5: That upon issuance of the Capital Bond for acquisition of the Wildwood Urban Forest, the established Fund Account Center combination shall reimburse both the Reserve for Appropriations Park Recoupment Fees in the General Government Capital Outlay Fund, and the State of Georgia Dept. of Natural Resources Georgia Greenspace Program (Fulton County) Project Center, in a total amount not to exceed \$300,000.

SECTION 6: The acquisition by the City from The Nature Conservancy of said property shall be accomplished in accordance with the procedure set forth in Section 2-1541(d) and Section 2-1545(d) of the Code of Ordinances.

SECTION 7: The contractual agreement shall not become binding on the City and the City shall incur no liability upon until such contract has been executed by the Mayor and delivered to the contracting party.

SECTION 8: The Purchasing Agent is hereby directed to divide the property and to record appropriate deed restrictions or easements on said property consistent with the terms and conditions attached to use of the funds that fund the acquisition of the property.

SECTION 9: The Nature Conservancy shall not receive any brokerage or real estate fees for this transaction.

SECTION 10: That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Ordinance 01-O-1105

Exhibit A

Wildwood Urban Forest

Proposed Expenditures

Initial Expenditure

\$1,336,125	Park North Impact Fees
300,000	Georgia Greenspace Program
<u>56,719.90</u>	Consent Decree (Greenway monies)
<u>\$1,692,844.90</u>	

Net expenditures after reimbursement from General Obligation Quality of Life Bond

\$1,336,125	Park North Impact Fees
<u>- 200,000</u>	Reimburse from GO Quality of Life Bond
\$1,136,125	Net expenditure from Park North Impact Fees

\$ 300,000	Georgia Greenspace Program
<u>- 100,000</u>	Reimburse from GO Quality of Life Bond
\$200,000	Net expenditure from Georgia Greenspace Program

Final expenditures from each account

\$1,136,125	Park North Impact Fees
200,000	Georgia Greenspace Program
300,000	GO Quality of Life Bond
<u>56,719.90</u>	Consent Decree (Greenway monies)
<u>\$1,692,844.90</u>	

LEGAL DESCRIPTION

Area = 28.79 Ac

All that tract or parcel of land lying in Land Lots 4 & 50, of the 17th District, 2nd Section, in the city of Atlanta, of Fulton County, Georgia, which is more particularly described as follows:

To find the POINT OF BEGINNING commence at an iron pin rebar found at the Land Lot corner common to Land Lots 3, 4, 50, and 51. THENCE proceed along the North line of said Land Lot 3, N89°27'59"E a distance of 280.23' to a ½" crimp pipe found lying on the land lot line common to Land Lots 3 and 4, said pipe being the TRUE POINT OF BEGINNING.

From the TRUE POINT OF BEGINNING, leaving said Land Lot line, N11°34'07"E a distance of 19.12' to a ½" iron rebar found; THENCE continuing, N02°31'53"E a distance of 109.26' to a ½" rebar found; THENCE S89°35'04"W a distance of 140.07' to a ½" rebar found; THENCE S89°56'51"W a distance of 53.61' to a point; THENCE N00°34'04"W a distance of 49.50' to a point; THENCE S89°49'56"W a distance of 131.80' to a point; THENCE N00°34'04"W a distance of 1338.60' to a ½" rebar found; THENCE S88°25'00"E a distance of 347.26' to a 1" crimp pipe found; THENCE N89°04'20"E a distance of 585.40' to a ½" rebar found; THENCE S00°52'45"E a distance of 1001.29' to an iron pin set; THENCE proceed S89°29'30"W a distance of 39.46' to an iron pin set; THENCE S34°29'52"W a distance of 621.85' to an iron pin set on the land lot line of Land Lots 3 and 4; THENCE along said land lot line S89°29'30"W a distance of 120.76' to a point; THENCE continue N89°35'32"W a distance of 104.83' to a ½" crimp pipe found, said pipe being the TRUE POINT OF BEGINNING.

Said tract of land contains 28.79 Acres, and being shown on and described according to that certain plat titled "Boundary and Topographic Survey for: The Nature Conservancy. Lawyer's Title Insurance Corporation" by LandAir Surveying, Inc., Dated February 16, 2001, last revised June 11, 2001, and bearing the seal of Jon G. Adams Ga. RLS #2768, which survey is hereby made part of this legal description by this reference.

LEGAL DESCRIPTION
OUT AREA TRACT

All that tract or parcel of land lying in Land Lots 4 & 50, of the 17th District, 2nd Section, in the city of Atlanta, of Fulton County, Georgia, which is more particularly described as follows:

To find the POINT OF BEGINNING commence at an iron pin rebar found at the Land Lot corner common to Land Lots 3,4,50, and 51. THENCE proceed along the North line of said Land Lot 3, N89°27'59"E a distance of 280.23' to a ½" crimp found; THENCE proceed S89°35'32"E a distance of 104.83' to a point; THENCE proceed North 89°29'30"W a distance of 120.76' to an iron pin set, said rebar being the TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING as thus established, THENCE leaving said Land Lot line, proceed N34°29'52"E a distance of 621.85' to an iron pin set; THENCE proceed N89°29'30"E a distance of 39.46' to an iron pin set; THENCE S00°52'45"E a distance of 509.36' to a ½" rebar found on the North line of Land Lot 3; THENCE along said Land Lot Line, S89°29'30"W a distance of 399.49' to an iron pin set, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 2.57 Acres, and being shown on and described according to that certain plat titled "Boundary and Topographic Survey for: Eagle Rock Partners, L.P. Lawyer's Title Insurance Corporation" by LandAir Surveying, Inc., Dated February 16, 2001, last revised June 11, 2001, and bearing the seal of Jon G. Adams Ga. RLS #2768, which survey is hereby made part of this legal description by this reference.

Legal Description
Property Gap Area "A" Area=0.58 Acres

All that tract or parcel of lying in and being part of Land Lot 4 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

Beginning at a ¼" rebar found at the land lot corner common to Land Lots 3, 4, 50, & 51, THENCE proceed North 89°27'59" East a distance of 280.23' to a ½" crimp pipe found; THENCE proceed South 89°35'32" East a distance of 104.83' to a point; THENCE proceed North 89°29'30" West a distance of 520.25' to a ½" rebar found, said point being the TRUE POINT OF BEGINNIG.

From the TRUE POINT OF BEGINNIG thus established, proceed North 00°52'45" West a distance of 509.36' to an iron pin set; THENCE proceed North 89°29'30" East a distance of 52.49' to a point; THENCE proceed South 00°14'49" East a distance of 538.40' to a point; THENCE proceed South 02°28'20" East a distance of 32.64' to a point; THENCE proceed South 07°51'17" West a distance of 24.60' to a point; THENCE proceed South 00°14'49" East s distance of 538.40' to a point; THENCE proceed South 89°37'11" West a distance of 46.87' to a ½" rebar found, said point being the TRUE POINT OF BEGINNING.

Said tract of land contains 0.58 Acres, and being shown on and described according to that certain plat titled "Boundary and Topographic Survey for: Eagle Rock Partners, L.P. Lawyer's Title Insurance Corporation" by LandAir Surveying, Inc., Dated February 16, 2001, lasted revised June 11, 2001, and bearing the seal of Jon G. Adams Ga. RLS #2768, which survey is hereby made part of this legal description by this reference.

Legal Description
Property Gap Area "B" Area=1.14 Acres

All that tract or parcel of lying in and being part of Land Lot 4 of the 17th District, Fulton County, Georgia and being more particularly described as follows:

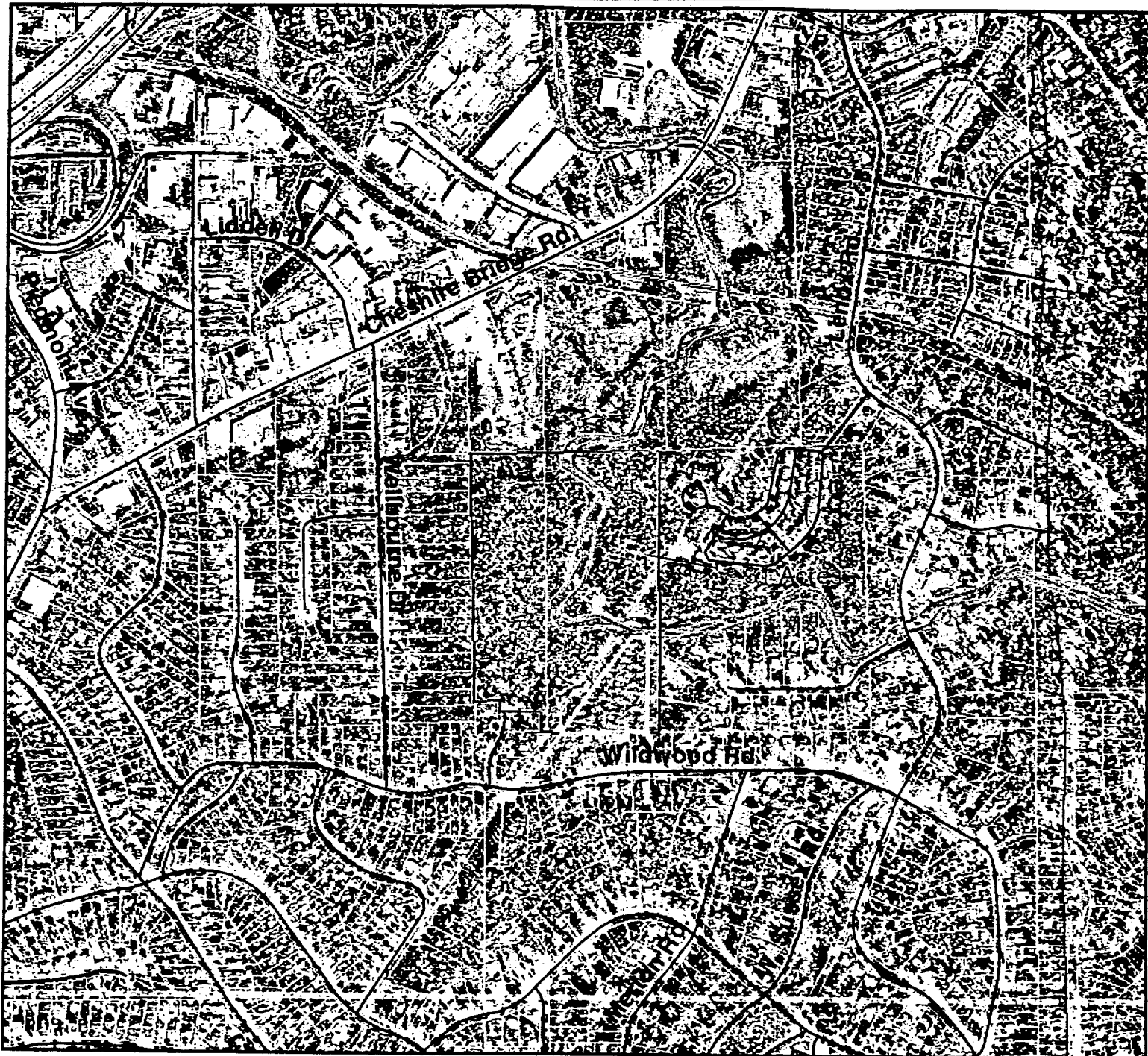
Beginning at a ¼" rebar found at the land lot corner common to Land Lots 3, 4, 50, & 51, THENCE proceed North 89°27'59" East a distance of 280.23' to a ½" crimp pipe found; THENCE proceed South 89°35'32" East a distance of 104.83' to a ½" rebar found; THENCE proceed North 89°29'30" East a distance of 399.49' to a ½" rebar found; THENCE proceed North 00°52'45" West a distance of 509.36' to an iron pin set, said pin being the TRUE POINT OF BEGINNIG.

From the TRUE POINT OF BEGINNIG thus established, proceed North 00°52'45" East a distance of 1001.29' to a ½" rebar found; THENCE proceed North 89°04'20" East a distance of 51.44' to a point; THENCE proceed South 00°14'49" East a distance of 479.33' to a ½" rebar found; THENCE proceed South 00°14'20" East a distance of 68.10' to a point; THENCE proceed South 02°28'20" East a distance of 321.72' to a point; THENCE proceed South 02°28'20" East a distance of 46.82' to a point; THENCE proceed South 02°28'20" East a distance of 32.64' to a point; THENCE proceed South 00°14'49" East a distance of 28.94' to a point; THENCE proceed South 89°29'30" West a distance of 52.49' to an iron pin set, said pin being the TRUE POINT OF BEGINNING.

Said tract of land contains 1.14 Acres, and being shown on and described according to that certain plat titled "Boundary and Topographic Survey for: The Nature Conservancy. Lawyer's Title Insurance Corporation" by LandAir Surveying, Inc., Dated February 16, 2001, lasted revised June 11, 2001, and bearing the seal of Jon G. Adams Ga. RLS #2768, which survey is hereby made part of this legal description by this reference.

Wildwood Property

City of Atlanta
Greenway
Acquisition
Project



Legend

- Roads
- Major River/Stream
- Secondary River/Stream
- Lake
- Parcel Lines
- Property Acquired Through Greenway Monies
- Property Acquired Through Other Funds

300 150 0 300 600 900 1,200 Feet

